

JOHN F. COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
PRESI ORTEGA, JR., DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
FEBRUARY 21, 2006  
8:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:02 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Melina Castro, Presi Ortega, Jr., Eddie Holguin, Jr., and Steve Ortega. Absent: None. Late arrival: Beto O'Rourke at 8:07 a.m. and Jose Alexandro Lozano at 9:13 a.m. Early Departure: Mayor John F. Cook at 11:58 a.m. The invocation was given by Police and Fire Chaplain Sam Farone, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

**1. NATIONAL TRIO DAY**

**2. NATIONAL ENGINEERS DAY**

Ulysses Estrada, Texas Society of Professional Engineers commented.

**CALL TO THE PUBLIC – PUBLIC COMMENT**

**This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.**

A sign-up form is available on line at [https://www.elpasotexas.gov/city\\_clerk/contact\\_public.asp](https://www.elpasotexas.gov/city_clerk/contact_public.asp) for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

1. Mr. Thurman Reynolds requested an update on the letter to the DA in reference to amusement machines.  
Mr. Charlie McNabb, City Attorney commented.
2. Ms. Dottie Calhoun spoke on the Mayor's Blood Program.  
Mayor Cook commented.
3. Mr. Ray Gilbert commented on speaking on agenda items.
4. Mr. Richard Schechter commented on "this is an illegal meeting".  
Mayor Cook and Representative Lozano commented.  
Mr. Charlie McNabb, City Attorney, commented.  
Ms. Joyce Wilson, City Manager, commented.  
Ms. Lisa Turner, citizen, commented.

Mr. Ray Gilbert, citizen, commented.

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Motion made by Representative Byrd, seconded by Representative Steve Ortega and unanimously carried to **RECESS** the City Council meeting at 8:22 a.m.

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Motion made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr. and unanimously carried to **RECONVENE THE REGULAR CITY COUNCIL MEETING** at 9:13 a.m.

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Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Lozano, and carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke  
NAYS: Representative Castro

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Motion made, seconded and carried to **APPROVE** the minutes for Regular City Council Meeting of February 14, 2006 and Special City Council Meeting Minutes of January 30, 2006 (agenda review), February 6, 2006 and February 13, 2006.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign a Memorandum of Understanding between the CITY OF EL PASO and the LOCAL 51, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS to amend the Articles of Agreement between the City and the Association to allow employees to participate in a six-month pilot program for sick leave reduction.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**WHEREAS**, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso Municipal Code, the City Council of the City of El Paso, by Resolution dated the 28th day of September, 2005, after due notice and hearing, ordered MARIA ELENA DE LA CRUZ, record Owner of the hereinafter described property that the Building be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to demolish the Building and clean the premises of all weeds, trash, and debris.

**WHEREAS**, the Director for Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the City Council determines the actual cost of demolishing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 17, Block 4, Heafield & Hudspeth Subdivision of Cotton Addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 1528 Ladrillo Place, El Paso, Texas,

to be \$6,686.21, performed by the Street Department of the City of El Paso, and \$752.70, performed by the City Attorney's Office and the City Clerk's Office, making a total of \$7,438.91.. The City Council finds that the work was completed on the 19th day of December, 2005, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of SEVEN THOUSAND FOUR HUNDRED THIRTY-EIGHT AND 91/100 DOLLARS (\$7,438.91) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign a Contract of Sale by and between the CITY OF EL PASO and GUILLERMO DE SANTIAGO and MARISELA DE SANTIAGO for the acquisition of a parcel of land containing 7,100 square feet, more or less, described as the South ½ of Tract 108, North Valumbrosa, Unit Two, El Paso, El Paso County, Texas, in the amount of FOURTEEN THOUSAND TWO HUNDRED AND NO/100THS DOLLARS (\$14,200.00) to be used for the Roseway Street and Drainage Improvement Project.

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign a Contract of Sale by and between the CITY OF EL PASO and JOSEFINA L. CARPIO for the acquisition of a parcel of land containing 1,020 square feet, more or less, described as a portion of Tract 12U, Block 46, Ysleta Grant, City of El Paso, El Paso County, Texas (Parcel 5), in the amount of TWO THOUSAND FOUR HUNDRED NINETY-FIVE AND NO/100THS (\$2,495.00) to be used for the Roseway Street and Drainage Improvement Project.

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\*Motion made, seconded and carried to **APPROVE** the request for the following names to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

A. Rappa-Cruz, Sandra – Public Safety Calltaker

B. Campos, Alex – Coach Operator

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\*Motion made, seconded and carried that the following tax refunds be **APPROVED**:

A. ARC Housing LLC in the amount of \$8,354.47 overpayment of 2005 taxes.  
(PID #99MH-999-0000-0071).

B. Stewart Title in the amount of \$4,280.57 overpayment of 2005 taxes.  
(PID # A462-999-2140-0100).

- C. Stewart Title in the amount of \$13,843.51 overpayment of 2005 taxes.  
(PID #B220-999-0010-3000).
- D. Stewart Title in the amount of \$117,016.53 overpayment of 2005 taxes.  
(PID #B220-999-0010-2101).
- E. Stewart Title North Texas in the amount of \$15,134.02 overpayment of 2005 taxes.  
(PID #C232 999-0080-0100).
- F. Wells Fargo Real Estate Tax in the amount of \$4,371.66 overpayment of 2005 taxes. (PID #C340-999-0450-2100).
- G. Henry Ellis and Flory Ellis in the amount of \$13,866.43 overpayment of 2005 taxes.  
(PID #C801-999-0240-6500).
- H. El Paso Healthcare System in the amount of \$47,796.88 overpayment of 2005 taxes. (PID #E207-999-0020-9300).
- I. Landamerica Lawyers Title of El Paso in the amount of \$3,506.40 overpayment of 2005 taxes. (PID #H770-000-0030-2500).
- J. Landamerica in the amount of \$4,650.58 overpayment of 2005 taxes.  
(PID #K383-999-0080-0100).
- K. LSI Tax Services in the amount of \$2,777.00 overpayment of 2005 taxes.  
(PID #M056-999-0340-0100).
- L. Wells Fargo Real Estate Tax in the amount of \$3,178.38 overpayment of 2005 taxes. (PID #M090-999-0110-2000).
- M. Landamerica in the amount of \$2,723.37 overpayment of 2005 taxes.  
(PID #M946-999-0010-2100).
- N. Alfonso Rios and Norma A. Rios in the amount of \$6,000.00 overpayment of 2005 taxes. (PID #S690-999-0010-4800).
- O. David and Teri Finnegan in the amount of \$7,517.89 overpayment of 2004 taxes.  
(PID #T230-999-0060-2700).
- P. Stewart Title Co. in the amount of \$2,885.81 overpayment of 2005 taxes.  
(PID #T287-999-D540-3800).
- Q. Sierra Title Company in the amount of \$3,315.43 overpayment of 2004 taxes.  
(PID #U819-000-0190-0800).
- R. Mitchell J. & Evelyn Farrell in the amount of \$10,941.34 overpayment of 2005 taxes. (PID #V893-999-2620-5700).
- S. Stewart Title of El Paso in the amount of \$2,517.32 overpayment of 2005 taxes. (PID #V893-999-5630-2800).

T. Raymond Olivas in the amount of \$3,332.40 overpayment of 2005 taxes.  
(PID #V893-999-5690-1200).

U. Landamerica Lawyers Title in the amount of \$2,741.64 overpayment of 2005 taxes. (PID #W145-999-0610-1900).

.....  
**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**WHEREAS**, the City and its Police Department have been involved with the neighborhood watch program and have promoted neighborhood watch groups;

**WHEREAS**, citizen participation is key to the success of the neighborhood watch program and the prevention of crime;

**WHEREAS**, the purchase and distribution of t-shirts with the neighborhood watch emblem will promote awareness and participation in the neighborhood watch programs, to the betterment of the City; and

**WHEREAS**, the City Council finds that the promotion of neighborhood watch groups and the purchase and distribution of t-shirts with the neighborhood watch emblem, constitutes an important public purpose or benefit to the City and citizens of El Paso for which the City is willing to expend funds, as proposed by the District 3 Representative.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

That \$1,900 of the discretionary funds of District #3 are allocated for the purchase of Neighborhood Crime Watch t-shirts.

Representative Lozano commented.

The following City staff members commented:

1. Mr. Charlie McNabb, City Attorney
2. Ms. Elaine Hengen, Assistant City Attorney

Ms. Ana Duenez, citizen, commented.

\*Motion made, seconded and carried to **APPROVE** the above Resolution.

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\*Motion made, seconded and carried to **APPROVE** transfer of \$70,000 from Esperanza Moreno (Eastside) Regional Branch Library to the Main Library project to augment furniture, fixture and equipment budget. These funds are from the project contingency and are savings to the Eastside Library project.  
Funding Source – 2000 QOL Bond Program

Mayor Cook and Representative Presi Ortega, Jr. commented.

Ms. Carol Brey Casiano, Library Director, commented.

Mr. Ray Gilbert, citizen, commented.  
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\*Motion made, seconded and carried to **APPROVE** transfer of \$215,000 from Park Contingency Fund to the Westside Sports Complex to fund the first phase construction of an off-site parking lot on the El Paso Community College (EPCC) land in exchange for 25 acres owned by EPCC.  
Funding Source – 2000 QOL Bond Program

Mr. Ray Gilbert, citizen, commented.

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\*Motion made, seconded and carried to **APPROVE** the request of San Martin House of Hope to hold a foot race/walk on April 8, 2006 from 7:30 a.m. to 8:30 a.m. Route: Start on Texas at the Cotton intersection, continue on Texas and finish at Mesa. Approximately 150 persons, 4 vehicles will take part and 25 spectators are anticipated. This request includes permission to use amplification (1 small p.a. at start).  
PERMIT # 06-007 [Bill Barry]

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**1<sup>ST</sup> MOTION**

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Lozano and unanimously carried to **SUSPEND THE RULES OF ORDER TO ALLOW** Officer Tony Portillo to speak.

**2<sup>ND</sup> AND FINAL MOTION**

\*Motion made, seconded and carried to **POSTPONE** one (1) week the request of Special Olympics Texas Area-19 to hold an 8K Run/2 Mile Fun Walk on March 12, 2006 from 6:00 a.m. to 1:00 p.m. 8K Run Route: Start at corner of Stanton and Cincinnati, proceed on Cincinnati to Kansas, turn right on Kansas to Rim, turn left on Rim to Scenic, turn right on Scenic to top, turn around back on Scenic, proceed on Scenic to Robinson, turn left on Robinson to Madeline, turn left on Madeline to Cincinnati, turn left on Cincinnati and finish at finish line. 2 Mile Walk Route: Start at corner of Stanton and Cincinnati, proceed on Cincinnati to Kansas, turn right on Kansas to Kerbey, turn left on Kerbey to Rim, turn left on Rim to Scenic, turn left on Scenic to Robinson, turn left on Robinson to Coffin, turn right on Coffin to Cincinnati, turn left on Cincinnati and finish at finish line. Approximately 300 persons will take part and 100 spectators are anticipated. This request includes permission to use amplification (1 p.a. system). PERMIT # 06-008 [Ralph Rodriguez]

Mayor Cook commented.

Ms. Joyce Wilson, City Manager, commented.

Officer Tony Portillo, EPPD, commented.

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Motion made by Representative Presi Ortega, Jr., seconded by Steve Ortega and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative O'Rourke was not present for the vote.

- A. An Ordinance amending Title 2 (Administration and Personnel) of the El Paso City Code, to create Chapter 2.94 (Regulation of Lobbying Activities) and sections thereunder; to create requirements for the registration and reporting of lobbyists; to restrict certain activities; and to create a penalty; the penalty being as in Sections 1.08.010-1.08-030 and 2.94.130 of the El Paso City Code.
- B. An Ordinance amending Title 2 (Administration and Personnel) Chapter 2.92 (Ethics), of the El Paso City Code, to amend Section 2.92.030 (Definitions); to add Sections 2.92.100 (Campaign Finances) and 2.92.110 (Disclosure of Campaign Contributions); to create requirements applicable to the making, receiving and disclosing of campaign contributions; and to change the section number for the penalty section to 2.92.150; the penalty being as provided in Sections 1.08.010-1.08-030 and 2.92.150 of the El Paso City Code.

**PUBLIC HEARING WILL BE HELD ON MARCH 7, 2006 FOR ITEMS A – B**

- C. An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Chapter 20.08 (General Design and Use Regulations), Section 20.08.060.A. (Annexation), to provide that property annexed into the City's Corporate Limits shall be automatically classified as R-F (Ranch and Farm) zoning district, unless acted upon by the City Council at the time of annexation. The penalty is as provided in Chapter 20.68 of the El Paso City Code.
- D. An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Chapter 20.02 (General Provisions and Definitions) to add 20.02.722 (Secondary Advertising Signs), and also by amending Chapter 20.66 (Signs), Sections 20.66.090 (Application Procedure), 20.66.100 (Sign Permit Fee Formula), 20.66.130 (Prohibited Signs) and 20.66.300 (Commercial, Manufacturing, and Industrial Uses-C-1, C-2, C-3, C-4, M-1, M-2, P-C, M-3 and Q Districts), in order to allow secondary advertising signage and the regulation thereof. The penalty is as provided in Chapter 20.68 of the El Paso City Code.
- E. An Ordinance granting Special Permit No. ZON06-00001, to allow for a Planned Residential Development on Tracts 11A1 and 11C2, Block 9, Upper Valley Surveys, El Paso, El Paso County, Texas, pursuant to Section 20.12.040 (Zoning) of the El Paso Municipal Code. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Ada Lane and Zack Lateral. Applicants: Enrique Escobar and Sal Masoud. ZON06-00001

**PUBLIC HEARING WILL BE HELD ON MARCH 14, 2006 FOR ITEMS C – E**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

**NO ACTION WAS TAKEN** regarding: the Review and discussion of Building and Standards' demolition policy and inclusion of property pictures, district designation and property owner's contact phones numbers on agenda.

Representatives Lozano, Lilly, Byrd and O'Rourke commented.

The following City staff members commented.

1. Ms. Joyce Wilson, City Manager
2. Mr. Alan Shubert, Development Services

Motion made by Representative Steve Ortega, seconded by Representative Lilly and unanimously carried to **ADOPT** the City of El Paso's 2006 Federal Legislative Agenda.

Mayor Cook and Representatives O'Rourke, Steve Ortega, Byrd, and Lozano commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Borunda Firth, Assistant City Attorney
3. Ms. Pat Adatao, Deputy City Manager for Infrastructure and Development

The following members of the public commented:

1. Mr. John Montgomery, Federal Lobbyist
2. Mr. John O'Donnell, Federal Lobbyist
3. Ms. Lisa Turner

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke

NAYS: None

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**NO ACTION WAS TAKEN** on the discussion regarding Central Appraisal District proposed 10% increase in property values and alternative methods that City Council could recommend to the State of Texas as revenue sources to relieve some of the burden on homeowners.

Representatives Lilly, Holguin, and Presi Ortega, Jr. commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Bill Studer, Deputy City Manager for Financial Services

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**NO ACTION WAS TAKEN** regarding the discussion and action for the City of El Paso to investigate and otherwise audit the Central Appraisal District to determine whether 1. the proposed increase in valuation is justified; 2. valuations are consistent for similar structures; 3. valuations for commercial properties are consistent; 4. policies regarding valuation of commercial properties do not place an undue burden on residential taxpayers.

Representatives Holguin, Byrd, Lilly, Castro and Lozano commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Bill Studer, Deputy City Manager for Financial Services

Ms. Lisa Turner, citizen, commented.

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Motion made by Representative Steve Ortega, seconded by Representative Byrd and carried to **POSTPONE** sixteen (16) weeks discussion and action that the City of El Paso, in light of increased valuations for next, increase the tax exemption for the elderly and disabled an additional \$20,000 by year 2007.

Representatives Presi Ortega, Jr., Holguin, Byrd and Lozano commented.

Mr. Bill Studer, Deputy City Manager for Financial Services, commented.

Mr. Ray Gilbert, citizen, commented.

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega and O'Rourke

NAYS: Representatives Lozano, Castro and Holguin

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**1<sup>ST</sup> MOTION**

Motion made by Representative Holguin, seconded by Representative Castro to **SUSPEND THE RULES OF ORDER** to allow Mr. Richard Schechter to speak.

AYES: Representatives Castro and Holguin

NAYS: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke

The motion failed.



**2<sup>ND</sup> AND FINAL MOTION**

\*Motion made, seconded and carried to **DELETE** the discussion and action in reference to Richard Schechter vs. The City of El Paso, Texas et al vs. Wildwood Developers, LLC, Cause No. 2005-7309 in the 327<sup>th</sup> Judicial District Court of El Paso County, Texas and Richard Schechter vs. The City of El Paso, Texas et al vs. Wildwood Developers, LLC, Cause No.08-05-00398-CV in the Eighth District Court of Appeals.

Representatives Lilly and O'Rourke commented.

Mr. Charlie McNabb, City Attorney, commented.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke

NAYS: Representative Castro

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ITEM:

Discussion and action on requiring Council members to publicly explain a vote to abstain on any issue brought before Council.

**1<sup>ST</sup> MOTION**

Motion made by Representative Presi Ortega, Jr., seconded by Representative Steve Ortega and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Ray Gilbert to speak.

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and carried to send to the Rules Legislative Review Committee discussion and action on requiring Council members to publicly explain a vote to abstain on any issue brought before Council.

Representatives O'Rourke, Lozano, Byrd and Presi Ortega, Jr., commented.

Mr. Charlie McNabb, City Attorney, commented.

Ms. Lisa Turner, citizen, commented.

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr. and O'Rourke

NAYS: Representatives Castro and Steve Ortega

ABSTAIN: Representatives Lozano and Holguin  
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**R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**WHEREAS**, the City of El Paso has a duty to ensure the safety and welfare of its citizens, and;

**WHEREAS**, Fort Bliss, Texas is a key component of the economy of the City of El Paso, and;

**WHEREAS**, H.R. 3186 will allow for a correction of existing statutes to allow existing and future troops at Fort Bliss to participate in affordable housing with access to green space (parks) to show El Paso's commitment to welcoming these soldiers with livable neighborhoods, and;

**WHEREAS**, federal troops provide a great service to our community, the City of El Paso fully supports federal action to allow for adequate financial support allowing members of the military to purchase homes and multi-family housing, and;

**WHEREAS**, as a result of the recent actions of BRAC, Fort Bliss is postured to be a central focus for existing and future military operations, including the war on terrorism, and;

**WHEREAS**, as part of the recent actions of BRAC, Fort Bliss will receive at least an additional twenty thousand troops and their families, and;

**WHEREAS**, many of these new troops and their families will be required to secure housing within the City of El Paso, and;

**WHEREAS**, currently there exists a gross inequity in existing statutes that would prevent many of their new troops and families from participating in affordable housing as would apply to an average citizen, and;

**WHEREAS**, the United States House of Representatives has recognized the inequities that exist in the current statutes, and;

**WHEREAS**, on June 30, 2005, in the 1<sup>st</sup> Session of the 109<sup>th</sup> Congress, Congressman Silvestre Reyes joined to sponsor H.R. 3186, and;

**WHEREAS**, H.R. 3186 will allow for a correction of existing statues to allow existing and future troops at Fort Bliss to participate in affordable housing, and;

**WHEREAS**, the City of El Paso can and must show its continuing support for the troops and the betterment of our municipality;

**THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the City of El Paso supports the passage of H.R. 3186, and lauds the efforts of Congressman Reyes in this critical legislative effort.

Representatives Castro, Byrd and Steve Ortega commented.

Ms. Sylvia Borunda Firth, Assistant City Attorney, commented.

Motion made by Representative Castro, seconded by Representative Steve Ortega and unanimously carried to **APPROVE** the above resolution.

AYES: Representatives Lilly, Byrd, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke  
NAYS: None  
NOT PRESENT FOR THE VOTE: Representative Lozano

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Motion made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr. and carried to **PILOT** an amendment to Sections 2, 7 and 13 of the City Council Rules of Order to revise the method of casting votes of the council by utilizing the electronic voting system, to revise the order of agenda items, and to clarify the manner in which the agenda items are announced during the meetings in the Rules of Order for one (1) week.

Representatives Holguin, Byrd, Castro, Lozano, Steve Ortega and Presi Ortega, Jr. commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Elaine Hengen, Assistant City Attorney

3. Mr. Charlie McNabb, City Attorney

The following members of the public commented:

1. Ms. Lisa Turner
2. Mr. Ray Gilbert

AYES: Representatives Lilly, Presi Ortega, Jr., Steve Ortega and O'Rourke

NAYS: Representatives Byrd, Castro and Holguin

ABSTAIN: Representative Lozano

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**NO ACTION WAS TAKEN** regarding discussion and action on methods of calculating a proposed fee to be paid in lieu of parkland dedication required in Title 19 (Subdivisions) of the Municipal Code to allow for a proportional adjustment to cover the actual cost of full development of a park.

#### **1<sup>ST</sup> MOTION**

\*Motion made, seconded and carried to **MOVE TO THE FOREFRONT** of the agenda.

#### **2<sup>ND</sup> MOTION**

Motion made by Representative Steve Ortega, seconded by Representative Holguin and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Doug Wright to speak.

#### **3<sup>RD</sup> AND FINAL MOTION**

Motion made by Representative Castro, seconded by Representative Holguin and carried to **SUSPEND THE RULES OF ORDER** to allow Ms. Lisa Turner an additional two (2) minutes to speak.

AYES: Representatives Lilly, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke

NAYS: Representative Byrd

Mayor Cook and Representatives O'Rourke, Steve Ortega, Holguin, Castro, Presi Ortega, Jr., Lozano, Byrd and Lilly commented.

The following members of City staff commented:

1. Ms. Patricia Aauto, Deputy City Manager, Development and Infrastructure Services
2. Ms. Josette Flores, Assistant City Attorney
3. Ms. Deborah Hamlyn, Deputy City Manager, Quality of Life Services
4. Ms. Joyce Wilson, City Manager, stated that the Ordinance that was introduced last week was at the maximum amount in order to allow adjustment.

Mr. Jim Carrillo, Halff Associates, commented.

The following members of the public commented:

1. Mr. Charlie Wakeem
2. Ms. Rosa Morales
3. Ms. Mary Frances Keisling
4. Ms. Lisa Turner
5. Mr. Jim Martinez
6. Mr. Bobby Bowling
7. Mr. Troy Hicks
8. Mr. Ray Gilbert

9. Mr. John Lyons
10. Mr. Doug Wright

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**R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**WHEREAS**, pursuant to state law the City of El Paso ("City") does not regulate the zoning or construction of improvements and structures outside of its corporate boundaries; and

**WHEREAS**, East Montana Joint Venture, Wholesale Lumber, Inc., and Sasha A. Viramontes (collectively the "Owner") are the owners of record of real property which is not located within the corporate limits of any municipality but is contiguous to the corporate limits of the City; and Owner desires that the property be subject to a development agreement and subsequently be annexed into the City; and,

**WHEREAS**, Subchapter G, Chapter 212 of the Texas Local Government Code, allows for the governing body of a municipality to enter into a written contract with an owner of land that is located in the extraterritorial jurisdiction of the municipality; and,

**WHEREAS**, further, Subchapter G, allows for the City to extend its planning authority over the land and authorize the enforcement of the City's land use and development regulations over the land in the same manner the regulations are enforced within the municipality's boundaries and provide for the annexation of the land in a timely manner; and,

**WHEREAS**, Owner, after full consideration, accepts the terms and conditions cited in the proposed Development Agreement due to the advantages and benefits resulting from the subsequent annexation of the property; and,

**WHEREAS**, the City, after due and careful consideration, and after consultation with the El Paso Water Utilities-Public Service Board, has concluded that the annexation of the property on the terms and conditions set forth in the Development Agreement is in the best interest of the City to protect and provide for the public health, safety, morals and general welfare.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign a Development Agreement, and subsequent amendments or extensions, by and between the CITY OF EL PASO, the EL PASO WATER UTILITIES-PUBLIC SERVICE BOARD, EAST MONTANA JOINT VENTURE, WHOLESALE LUMBER, INC., and SASHA A. VIRAMONTES, to set forth the rights and responsibilities between the parties to allow for the development of the property located within the City's East Extraterritorial Jurisdiction and containing 593.16 acres; in accordance with Subchapter G, Chapter 212 of the Texas Local Government Code, and subject to the affirmative approval and execution of same agreement by the El Paso Water Utilities-Public Service Board.

Motion made by Representative Presi Ortega, Jr., seconded by Representative Lozano and unanimously carried to **APPROVE** above Resolution.

Representative Steve Ortega commented.

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke

NAYS: None

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Motion made by Representative Castro, seconded by Representative Steve Ortega and unanimously carried to **AWARD** Bid Solicitation No: 2006-002 District IV Landscape & Parkway Improvements

Locations: Magnetic Dr., Jon Cunningham Blvd., Kenworthy Dr.,  
Sean Haggerty Dr., and McCombs St.  
Contractor: Blair-Hall Co., Inc.  
El Paso, Texas  
Department: Streets  
Funds Available: 14200403-PBE04ST114C-29129-508027  
14200403-PBE04ST114A-29129-508027  
Funding Source: 2004 CIP  
Items: Base Bid \$1,769,416.48  
Alternate #2 \$ 98,000.00  
Alternate #5 \$ 152,000.00  
Total Award: \$2,019,416.48  
Estimated Completion Date: September, 2006  
District(s): 4

**RECOMMENDATION:**

The Departments of Engineering and Streets recommend the award of this contract to Blair-Hall Co., Inc., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Representative Castro commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Daryl Cole, Street Department
3. Mr. Byron Johnson, Financial Services

Ms. Lisa Turner, citizen, commented.

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke  
NAYS: None

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**ORDINANCE 16287**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 10-A, BLOCK 9, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO R-2 (RESIDENTIAL), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representative O'Rourke commented.

Mr. Rudy Valdez, Development Services, gave a Power Point presentation (on file in the City Clerks Office)

Motion duly made by Representative Lilly, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke  
NAYS: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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**ORDINANCE 16288**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00142, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON TRACT 10-A, BLOCK 9, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.12.040 (ZONING) OF THE EL PASO CITY CODE. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Lilly, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke  
NAYS: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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**ORDINANCE 16289**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO O.P.E.P. INCORPORATED TO TEMPORARILY CLOSE A PORTION OF OCHOA STREET BETWEEN FIRST AVENUE AND PAISANO DRIVE FOR A "MARDI GRAS BLOCK PARTY" ON TUESDAY, FEBRUARY 28, 2006 AND WEDNESDAY, MARCH 1, 2006.**

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Holguin, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke  
NAYS: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

\*Motion made, seconded and carried to **POSTPONE** one (1) week an Ordinance changing the zoning of lots 18 through 24, Block 13, Revised map of Sahara Subdivision, El Paso, El Paso County, Texas from R-4 (Residential) to R-5 (Residential). The penalty is as provided for in chapter 20.68 of the El Paso City Code. Subject Property: Intersection of Saluki Dr, Manila Dr., and McCombs St. Applicant: Portico Homes. Representative: Oscar Andrade ZON05-00137

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**ORDINANCE 16290**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 181 AND 183, SUNRISE ACRES, EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO C-2/C (COMMERCIAL/CONDITION) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representatives Steve Ortega and Byrd commented.

The following City staff members commented:

1. Mr. Charlie McNabb, City Attorney
2. Mr. Rudy Valdez, Development Services, gave a Power Point (on file in City Clerk's office).

Mr. Fermin Dorado, citizen, commented.

Motion duly made by Representative Byrd, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Castro

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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Motion made by Representative Lozano, seconded by Representative Steve Ortega and unanimously carried to **POSTPONE** one (1) week an an Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII, Restriction on Parking in Residential Districts), of The El Paso City Code, to revise Subsection Zone M (No Parking 7:00 A.M. to 4:00 P.M., Monday through Friday, School Days Only) To include the North side of Cosmos Drive Between McRae Blvd. and Catnip Street. The Penalty as Provided In Section 12.84.010 Of The El Paso City Code.

Representatives Lozano and Steve Ortega commented.

The following citizens commented:

1. Ms. Ysela Monsisvais
2. Mr. Jeffery Ditmerge

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Motion made by Representative Byrd, seconded by Representative Presi Ortega, Jr., and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 8:03 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

**EX1.** *Ralph Dwain Kilgore and Carla Kilgore vs. City of El Paso*; Cause No. 2005-1035 (551.071) [City Attorney's Office, Jennifer F. Callan (915) 541-4550]

**EX2.** *Richard Schechter vs. City of El Paso, et. al.*, Cause No. 2005-7309 (551.071)  
[City Attorney's Office, Laura Prendergast Gordon, (915) 541-4550]

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Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **ADJOURN** the Executive Session at 8:20 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

Representative Lozano was not present for the votes.

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Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and unanimously carried that the City Attorney's Office be authorized settlement authority, to negotiate settlement agreement and sign all documents to resolve the lawsuit styled *Ralph Dwain Kilgore and Carla Kilgore, Individually vs. City of El Paso*; Cause No. 2005-1035.

Representative Lozano was not present for the vote.

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Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Lilly and carried that the City Attorney's Office be authorized to reject Plaintiff/Appellant's settlement demand in the lawsuit and pending appeal entitled *Richard Schechter v. The City of El Paso, Texas et al vs. Wildwood Developers, LLC*, Cause No. 2005-7309 in the 327th Judicial District Court of El Paso County, Texas and *Richard Schechter vs. The City of El Paso, Texas et al vs. Wildwood Developers, LLC*, Cause No.08-05-00398-CV in the Eighth District Court of Appeals.

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke

ABSTAIN: Representative Castro

NOT PRESENT FOR THE VOTE: Representative Lozano

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Motion made by Representative Presi Ortega, Jr., seconded by Representative Steve Ortega and unanimously carried to adjourn this meeting at 1:52 p.m.

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**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk